

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - October 23, 1968

Appeal No. 9807-11 Leonard Collins and Morris Fagan, Trustees,
G.H. Tipp, Hilltop Investment Company,
Maurice Samels, Northwest Development,
Appellants.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried,
the following Order of the Board was entered at the meeting of
January 21, 1969.

EFFECTIVE DATE OF ORDER- Oct. 6, 1970

ORDERED:

That the appeal for variance from the side yard, floor area ratio and use provisions of the R-5-A District to permit erection of row dwellings at southeasterly corner of Alabama Avenue and Naylor Road, SE., Lots 33,34,37,39-55 inclusive, 57,59,61,63-67 inclusive, 69,70,103-117 inclusive, 802,818-823,895,897,899,901, 903,905,907, Square 5730, be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located in an R-5-A District.
2. The subject property is unimproved.
3. Appellants proposes to construct approximately 60 (Sixty) townhouses.
4. Appellant alleged that due to the topographical conditions of the subject property, it would not be feasible to build apartments.
5. Appellant further alleged that the lots are 20' by 100' and the majority of the homes will be 20' by 35'. However, some of the houses would be 18' by 35'. Appellant further stated that no house would be under 18 feet wide and the lots that are in access of 20 feet are to accommodate four (4) bedroom homes.

6. The subject property is 135,000 square feet which fronts onto an alley. Appellant stated that he would not close the alley, but is attempting to widen it into a street.

7. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

This Order shall be subject to the following conditions:

- [a] Appellant must conform with the R-4 requirements with no variations.
- [b] Appellant shall comply with the subdivision plat, BZA Exhibit No. 3 in Appeal No. 9807-11.
- [c] All houses shall be set back ten (10) feet from the right-of-way of the new minor street.
- [d] Each dwelling shall be provided with one off-street parking accessible space located behind the ten (10) foot set back line within the structure or rear yard as shown with grading on the plans filed for building permits.
- [e] Each lot shall be at least 18 feet wide and contain at least 1,800 square feet of land.
- [f] The proposed new homes may be single family semi-detached or single family row dwellings.

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED

By: _____
PATRICK E. KELLY
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.